

Amendments to the Drawings:

Formal drawings of Figures 1 through 6 are enclosed as replacement drawings.

The depictions in the Figures have been slightly altered. No new subject matter has been added.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 8 through 10 were rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the enablement requirement. These claims refer to "a sweepstake mode" and the Examiner states that this term is not fully described in the specification in a manner to allow a person skilled in the art to carry out the enablement thereof. Reconsideration of this rejection is requested. It is noted that the last paragraph on page 3 of the specification clarifies that games operating in a sweepstake mode based on registration with the game server computer and the number of times the eligible games are played and communicated to the game server computer. Page 9 of the application lines 24 to 38 further describes the operation of the sweepstake mode. The sweepstake mode is based on the number of times a particular game is played during a certain time period. The passage on page 9 also notes that there may be a cap where additional play of the game does not provide an additional entry in the sweepstake mode. Reference is also made to dependent claim 8 where some of the series of games are eligible for operating in a sweepstake mode based on registration and the number of times the eligible games are played and communicated to the game server computer. The term "sweepstake" is defined as a lottery in which each participant puts up money in a common fund which is given as a prize to the winner or in shares to several winners. The term "lottery" is a game of chance in which people buy numbered tickets and prizes are given to those whose numbers are drawn by lot.

Based on the above definitions and in consideration of the specific disclosure in the application, it is believed that a person skilled in the art would appreciate that sweepstake mode includes a draw and each player is provided an eligible entry in the draw by playing one of the sweepstake mode games.

In view of the above it is submitted that the specification does contain a written description of the invention and the manner and process of making and using it in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains or with which it is most nearly connected, to make and use the same.

It is also noted that in the Official Action the Examiner interprets the term "sweepstake mode" to be a mode in which the player must pay a wager amount or fee to play the downloaded game. It is believed this interpretation of the term is incorrect

and the term sweepstake mode allows a player who has played one of the designated games an entry in the sweepstake draw or contest.

Former claims 1 through 4, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et. al. United States Patent Application Publication 2002/0068629. Reconsideration of this rejection is requested.

The Allen reference is directed to a gambling arrangement where a security token is provided to a user's computer or personal device and this token tracks various bets placed by the user and the outcome of games played by the device when this personal device is not in communication with the game server. This arrangement is designed to allow a user to pay for a particular security token, have the security token downloaded to his particular computer or device, and to also receive certain gambling application software for use on his computer. Various games can then be played on the computer and various bets placed with the security token tracking the results of the specific games. A user can only play games if there remains sufficient funds as tracked by the security token.

The Allen reference is specifically designed for use by a user wishing to effectively gamble without a direct connection with the server of the gambling establishment. Gambling software must be downloaded to the device and the security token is effectively pre-paid and the user is allowed to continue with the gambling applications and place bets as long as there are funds remaining with the security token. There is no ability to play games if there are insufficient funds. The results of these off-line gambling activities are reported to the gambling server when the device is reconnected.

For this gambling application approach to properly function, it is apparent that the user is effectively playing a particular game and there is a bet relationship between the user and the gambling server. The outcome of the particular bet is independent of any other users of the system. Therefore, this is a one to one relationship between the provider of the software and the user. This is a specialized system that requires the user to have a computer device of relatively high power in that it must be able to run gambling application software as well as maintain the encrypted security token. As noted in the field of the invention, the invention relates to offline gaming. Furthermore, under the summary of the invention, it is stated that "the present

invention provides a method, apparatus and article of manufacture configured to allow virtual gambling without a network connection."

According to the Allen reference a system is provided where an end user competes with the gaming provider server shown as 102. This competition with the gaming provider server can be completed by a live connection between the end user device and the gaming provider server in a traditional manner or the security token can be downloaded to the end user device to allow offline competition with the gaming provider server. In this embodiment, game application software as well as the security token is required to be transferred to the end user device.

Claim 1 as now amended includes the further restriction that the personal portable device is operable to receive from the game server computer when the personal portable device is in communication with the game server, collective results for the at least one game of other personal portable devices including collective high score ranking information. As outlined above, there is no provision in the Allen reference for this additional limitation and there is certainly no capability in the game server provider of Allen to accumulate results of other users and providing these results to a particular user as now required by the claim. Furthermore, there is no benefit to provide collective high score ranking information as the premise of the Allen reference is basically a one to one relationship between the user and the game service provider such that offline gambling can be implemented.

The secondary reference of Tsuda et. al. United States Patent 6,174,236 describes and illustrates a video game system having a host computer and a plurality of terminal devices each connected to the host computer through a transmission line and having a plurality of video game units (column 1 lines 8 through 12). Typically the video game units are installed in an amusement facility. The reference discloses not only the concept of providing high scores to any of the dedicated gaming terminals, but it also discloses a full financial tracking arrangement for financial compensation of the various parties involved. This includes effective online bank accounts for the various users. It is clear from the reference and the description of this video game system that it is a dedicated system having dedicated gaming terminals. There is certainly no suggestion that these gaming terminals could have a primary function and a secondary entertainment function that allow the user to play any of a number of downloaded games. There is certainly no suggestion in this reference that such a system would be

used with a personal portable device as claimed and having a particular cooperation with the game server provider.

New dependent claim 13 requires that the personal portable device is operable in a local mode and in a registered mode. In the local mode the particular game can be operated without restriction on a particular user. New users in local mode can have their scores posted on the particular personal portable device. In registered mode, the device is registered with the game server and the individual game results of a registered user are uploaded to the game server and the collective game results of other registered users are downloaded to the personal portable device. This allows the device to operate in two distinct modes and is not restricted to a single application as taught in the prior art references.

The two mode approach defined in dependent claims 13 through 17 allows a local mode use that is effectively controlled by the user of a personal portable device in addition to a much more competitive mode of use if the user proceeds with the registered mode. This approach is desirable to many more users and allows them to choose how they wish to participate. Various advantages of operating in the registered mode are also possible as outlined in the application. Use in the local mode may also promote some of the users to a level of efficiency where they are comfortable with entering the registered mode.

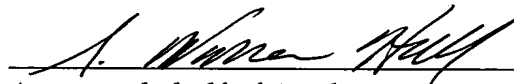
Regarding the two references, there is certainly no requirement to use the high scoring capability of the secondary reference with the primary reference as this information is irrelevant to the offline gambling system of the primary reference.

Each of these cited references are directed to specialized applications and the particular users of such systems are well defined and specific. In contrast, the present system is directed to a much larger market i.e. a significant portion of cell phone users who also use the entertainment function of such a cell phone, for example. The system allows effective competition and also allows the service provider to promote the additional use of the primary service provider.

There is certainly no suggestion in the primary reference or the secondary reference of such a competitive system that is practical for use with personal portable devices that allow competition among the host of users of such devices.

In view of the amendments to the application, reconsideration and allowance of the application is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "S. Warren Hall", is written over a horizontal line.

Agent on behalf of Applicant

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WH/sjh